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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,587	01/27/2004	Yasuhiro Hitomi	SN-US030011	9162

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EXAMINER
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LANGDON, EVAN H

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/764,587

Applicant(s)

HITOMI ET AL.

Examiner

Evan H Langdon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION*****Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of copending Application No. 10/764,587. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the present application are so broad that they encompass the previously determined patentable features of copending Application No. 10/764,587.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood (US 3,296,731) in view of Kitajima (US 2003/0146325 A1).

In regards to claims 1 and 12, Wood discloses a spinning reel being adapted to be mounted to a fishing rod, the spinning reel comprising:

- a handle 64;

- a reel unit 1 rotatably supporting the handle 64 and being adapted to be mounted to the fishing rod, the reel unit including a housing unit forming a mechanism accommodation space, as seen in Figure 22, in an interior thereof,

- a drive mechanism being arranged inside the mechanism accommodation space for transmitting rotation of the handle 64 to the rotor 3, the drive mechanism having a master gear 62 non-rotatably coupled to a master gear shaft 63;

- a first lid 25 made of a metal and coupled to the housing unit so as to interpose the master gear with the housing unit, the first lid rotatably supporting the master gear shaft 63;

- a second lid 24 made coupled to the housing unit so as to close the mechanism accommodation space; and

- a rod-attachment portion 16 being formed integrally with one of the housing unit and the first lid, the rod-attachment portion being adapted to be attached to the fishing rod;

- a rotor 3 rotatably mounted on a front of the reel unit; and

- a spool 2 disposed on a front of the rotor to move front and rear relative to the reel unit.

Kitajima teaches a lid portion 2b made of synthetic resin to close an accommodation space. Note paragraph 40. Synthetic resin and aluminum alloy are known to provide lightweight elements.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second lid of Wood to be made of synthetic resin as suggested by Kitajima, to render the reel unit more lightweight.

In regards to claims 2, 3, 13 and 14, Wood as modified by Kitajima teaches the first and second lids having shaft support portions to support the master gear shaft 10 (Kitajima).

In regards to claim 4, Wood as modified by Kitajima teaches the shaft support portion rotatably supports the master gear shaft 10 with a pair of bearings (Fig. 9 Kitajima).

In regards to claims 5, 6, 15 and 16, Wood as modified by Kitajima teaches the housing unit and the first lid 2a made of aluminum alloy, see paragraph 59. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the first lid and housing unit of Sugawara as modified by Kitajima to be made of magnesium alloy to provide another type of metal that can provide strength and is light weight.

In regards to claim 7, 8 and 17, Wood as modified by Kitajima teaches the rod attachment portion integrally formed with the housing unit (Fig. 2 Wood) and integrally formed with the first lid (Fig. 4 Kitajima).

Claims 9-11 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara as modified by Kitajima as applied to claims 1 and 12 above, and further in view of Yeh (US 2003/0146324 A1).

Yeh teaches the housing unit having a through hole 106;

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first 14 and second 15 lids having a projection 154 projecting toward the housing 10 and inserted in the through hole and coupled with a screw member 16;

the projection having a female threaded portion to receive the screw 16.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the couple of the first and second lid members to the housing unit of Sugawara as modified by Kitajima to include projections projecting in through holes as suggested by Yeh, to secure the lid portions to the housing unit.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

The limitation of the first and second lids being detachably and reattachably coupled to the housing necessitated the new grounds of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ehl

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600